IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7894 OF 2005

Pearl Organics Limited
(now known as "Wanbury Ltd.") ...Petitioner

Versus

The Secretary, the Grocery Market
and Shops Board, & Anr. ...
Respondents.

Mr. P.K. Rele with Mr. P. Shah for the Petitioner

Mrs. Lata Desai with Mrs. P. Divekar for Respondent No. 1

Mr. S.S. Pakale for Respondent No. 2.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
D.B. BHOSALE, J.
DATE: DECEMBER 22, 2005.

P.C.:-

1. By this Writ Petition, the petitioner has challenged the communication addressed by the respondent-Board to the petitioner regarding applicability of the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969. It is specifically observed in the order that there is dispute at the management level regarding the enforcement of the Act, the Scheme and provisions thereof as also its applicability to the establishment.

2. Section 5 of the Act specifically provides that when any question arises whether any scheme applies to any class of unprotected workers or employers, the matter shall be referred to the State Government and the decision of the Government shall be final. In this view of the matter, we direct the petitioner to approach the State Government to decide the question of applicability of the Scheme to the establishment of the petitioner. Such application, if made, be decided in accordance with law, as far as possible within two months. Pending the decision, no coercive action be taken against the petitioner.

3. The petition is accordingly disposed of.